

**State of Texas
County of Denton
City of Lake Dallas**

The Lake Dallas City Council met in a regular meeting on August 27, 2015 in the Lake Dallas City Hall, 212 Main Street, with notice of the meeting given, as required by Title 5, Chapter 551.041 of the Texas Government Code. Mayor Pro Tem McCaleb called the meeting to order at 7:30 p.m.

A. ROLL CALL

Mike McCaleb
Julie Mathews
Steve Forgey
Andi Nolan

Mayor Pro Tem
Councilmember 1
Councilmember 3
Councilmember 5

Staff Present: City Manager/Police Chief Nick Ristagno; City Secretary Joni Vaughn; Finance/Human Resource Director Donna Boner; Police Captain Wes Frazier; Police Lieutenant Eric Louderback, Patrol Officer Tristan LaBeaux, Librarian Joe Gunter

Councilmember April Estrada was absent due to a sick child.

B. INVOCATION

Pastor Rod Collver, Open Arms Church, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Pro Tem McCaleb led the pledges.

D. ANNOUNCEMENTS

This is the last meeting for Captain Wes Frazier. He is retiring tomorrow. Our website company was experiencing some technical difficulties that may have caused our website to be down temporarily today.

E. REPORTS

Community Development Corporation Chairperson Karl Hammond was unable to attend and will bring his report at a later date.

F. VISITORS/CITIZENS AGENDA

Mayor Pro Tem McCaleb opened the Visitors/Citizens Agenda.

Councilmember Mathews called for a point of order. Councilmember Mathews requested 5 minutes for citizens speaking on the Citizens Agenda per City Ordinance. Mayor Pro Tem McCaleb stated the city code calls for 5 minutes or less and citizens would be allowed 3 minutes.

John DuPont, 309 Georgian Oak, addressed the Council regarding fence permit fees. Mr. DuPont feels it should not be necessary to obtain a permit to simply repair a fence. He would like Council to consider changing this.

James Harper, 770 Lacey Oak Lane, addressed the Council regarding the towing ordinance. Mr. Harper asked the Council not to amend this ordinance, but if they do amend the ordinance to allow those with felony charges to tow, then he would like them to change the ordinance to allow officers to use towing companies outside of the city limits.

Shelia Daniel, 621 Beck, addressed the Council regarding street repairs. She had numerous questions regarding the funding of street repairs. Her main concern is her own neighborhood, which has serious flooding problems.

City Council Agenda

August 27, 2015

Page 2

Jenny Warmbrodt, 511 Meadowbrook Street, addressed Council regarding council liaisons to city boards. Ms. Warmbrodt said it seems we no longer have council liaisons attending various board meetings and she would like to see that restored.

Ricky Mathews, 318 Georgian Oak, addressed the Council regarding numerous topics; he feels the Council should allow 5 minutes for citizens to speak; he feels the Council should assemble an Appeals Board; he feels the Council should reinstate Curt Miller to his position.

Bill Knox, 616 Lakebridge Drive, addressed the Council. He feels the Council should allow 5 minutes for citizens to speak, he believes the City is violating law with dual roles. He wants a new City Manager

Charlie Price, 312 Georgian Oak, addressed the Council. He feels the Council should allow 5 minutes for citizens to speak. He feels we should not renew the City Manager's contract, but hire a new City Manager and allow Chief Ristagno to go back to the Police Department as Police Chief. He wants to know what we are going to do about the Mayor's open position. He wants to know why we do not have a Board of Appeals. He wants Curt Miller reinstated to his former position.

Mayor Pro Tem McCaleb closed the Visitors/Citizens Agenda.

G. BUSINESS

1) Presentation by Children's Advocacy Center of Denton County.

Dan Leal, representative of CACDC, explained that the mission of the Center is to bring justice and healing for abused children through interagency collaboration and community education. The Center is nationally accredited. The funding enables the Center to assist law enforcement with the filing of cases and assist children and families with counseling and support throughout the process of their ordeal.

2) Consideration and Action to approve the annual "fair share" funding to the Children's Advocacy Center.

Amended Motion to approve funding the Children's Advocacy Center in the amount of \$18,800 for Fiscal Year 2016 was made by Councilmember Forgey and second by Councilmember Nolan.

Ayes: Councilmembers Forgey, Nolan, and Mathews,

Noes: None

Motion Passed

3) Consideration and Action to adopt a resolution to vote for a member of the Board of Managers for the Denco Area 911 Emergency Communication District.

Motion to adopt a resolution to vote for Sue Temjl as member of the Board of Managers for the Denco Area 911 Emergency Communication District was made by Councilmember Forgey and second by Councilmember Nolan.

Ayes: Councilmembers Forgey, Nolan, and Mathews,

Noes: None

Motion Passed

4) Consideration and Action to call for an Investigation by the City Council into the conduct of a city employee as provided under Section 3.15 of the Lake Dallas City Charter.

Mayor Pro Tem McCaleb explained that this is an investigation into the situation with Curt Miller. The Council will conduct an investigation and give their opinion on whether Mr. Miller should have been restored back to his position, left where he is at, or terminated. However, the City Council does not override personnel decisions made by the City Manager.

Motion to call for an Investigation by the City Council into the conduct of the City Manager with regard to Mr. Miller was made by Councilmember Mathews. Motion died for lack of second.

Motion to call for an Investigation by the City Council into the conduct of a city employee as provided under Section 3.15 of the Lake Dallas City Charter was made by Councilmember Forgey and second by Councilmember Nolan.

Ayes: Councilmembers Forgey, Nolan, and McCaleb

Noes: Mathews

Motion Passed

H. WORKSHOP

1) Towing Ordinance

Stephen Wohr, attorney for David Snider, addressed Council regarding the City's current towing ordinance. Mr. Snider's company has a towing contract with the City of Lake Dallas. Mr. Wohr and Mr. Snider have requested the City Council consider updating their towing ordinance to reflect statewide changes that have occurred in the industry. Mr. Wohr believes having more stringent regulations than the State of Texas makes the City more vulnerable. He also believes it puts the local businesses at a disadvantage because other cities do not have as stringent of regulations. He asked that Council accept drivers licensed by TDLR.

Councilmember Nolan asked to be excused at 8:30 pm due to a family emergency.

Mayor Pro Tem McCaleb adjourned the meeting at 8:30 pm to go into Executive Session for Item I-2. Item I-1 has been pulled from the agenda.

I. EXECUTIVE SESSION

2) Convene to deliberate in closed executive session under Section 551.074 (Personnel) of the Texas Government Code to discuss and deliberate the employment and duties of, and to deliberate on the contract with, the City Manager.

Mayor Pro Tem McCaleb reconvened the meeting at 8:55 pm.

J. ACTION, IF ANY, FROM EXECUTIVE SESSION

Motion to deny a contract extension with the City Manager was made by Councilmember Mathews and second by Councilmember Forgey.

Ayes: Councilmember Mathews

Noes: Councilmembers Forgey and McCaleb

Motion Failed

H. WORKSHOP – cont'd

2) Budget

City Manager Ristagno explained they have prepared two updated budgets; one plan has a full time City Manager's salary and a full time Police Chief, but that made it necessary to make cuts in other areas. The other budget has an interim City Manager/Police Chief.

City Manager Ristagno stated he did not feel like he wanted to extend his contract as City Manager, but he did not know how Council wanted to handle the transition and he feels that Council needs to discuss that. Mayor Pro Tem McCaleb would prefer for Chief Ristagno to remain as an Interim City Manager until a new City Manager can be found. Councilmember Forgey would like all the councilmembers to be present to discuss the City Manager position.

City Council Agenda

August 27, 2015

Page 4

K. NEW AGENDA ITEMS

Councilmember Mathews asked for an update on the repaving of Beck and Kings Manor. City Manager Ristagno reported that the engineer determined that the issue with Beck is a drainage issue. The engineer feels if we put a concrete flume behind Lake Haven Estates from Beck to Shady Shores that the issue will be corrected. Estimated expenditure for that project is between \$30,000-\$35,000 and City Manager Ristagno would like to do that project in this budget year. The problem with Kings Manor is much more significant and expensive; over \$200,000 to correct and repave in asphalt. City Manager Ristagno is waiting to hear from our bond attorney as to whether the City can float a bond based on the new road fund. Councilmember Mathews would like to have that discussion at the meeting on September 10th.

City Manager Ristagno stated Shady Shores is a major project and we need to reach out to our County Commissioner for help with Shady Shores as part of a county bond project. We can contract with the County to do some repairs on Shady Shores in the interim. Councilmember Mathews asked that funding for the concrete flume be on the next agenda. City Manager Ristagno said he would get the RFP for the drainage repair started.

L. ADJOURNMENT

Mayor Pro Tem McCaleb adjourned the meeting at 9:15 pm.

Mike McCaleb, Mayor Pro Tem

Joni Vaughn, City Secretary